

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LISA LIBERI, et al. : CIVIL ACTION NO. 09-1898

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ORLY TAITZ, a/k/a :
DR. ORLY TAITZ; a/k/a :
a/k/a WWW.REPUBX.COM, : Philadelphia, Pennsylvania
a/k/a ORLY TAITZ, INC., : June 25, 2009
et al, : 10:38 a.m.

TRANSCRIPT OF HEARING
BEFORE THE HONORABLE EDUARDO C. ROBRENO
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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3 THE COURT: Good morning. Please be seated.

4 MR. BERG: Good morning.

5 MR. HOPPE: Good morning, Your Honor.

6 THE COURT: Okay. Let's call the roll and
7 see who is here. For plaintiffs, Mr. Berg?

8 MR. BERG: Yes, Philip Berg, Your Honor.

9 THE COURT: Are you representing all of the
10 plaintiffs?

11 MR. BERG: Yes, I am, Your Honor.

12 THE COURT: Okay. Very well.

13 MR. BERG: Thank you.

14 THE COURT: Mr. Hoppe?

15 MR. HOPPE: Good morning, Your Honor.

16 THE COURT: Good morning.

17 MR. HOPPE: I'm Ted Hoppe, I'm representing
18 the Hale defendants, the Sankey defendants, and Ms.
19 Belcher, and I would enter my appearance for the
20 limited purpose of dealing with the jurisdictional
21 issues that are pending before the Court at this time.

22 THE COURT: Very well, so acknowledged. Ms.
23 Taitz?

24 MS. TAITZ: Yes, yes, Your Honor, Orly Taitz,
25 and I'm representing myself, Yosef, and Defend Our

1 Freedoms.

2 THE COURT: And?

3 MS. TAITZ: Defend Our Freedoms Foundation.

4 THE COURT: Okay. Thank you. Now, I
5 understand you're a member of the bar in California?

6 MS. TAITZ: Yes, yes, I am.

7 THE COURT: Okay. In good standing?

8 MS. TAITZ: Yes.

9 THE COURT: Okay. Thank you. Now, Mr.
10 Sundquist, good morning.

11 MR. SUNDQUIST: Good morning, Judge. I'm
12 James Sundquist. I'm one of the defendants.

13 THE COURT: Okay.

14 MR. SUNDQUIST: I'm representing myself, pro
15 se.

16 THE COURT: Okay. Very well, thank you.
17 Sir, who are you?

18 MR. LINCOLN: I'm Dr. Taitz's law clerk. My
19 name is Charles Lincoln.

20 THE COURT: Okay. Very well, thank you.
21 Okay. Let's proceed, and let's see what we can achieve
22 here today. Two things.

23 Number one, I want to try to, after having
24 reviewed the many submissions that have been made here,
25 I want to try to organize this matter, to try to

1 determine what is going on, who is who, and where did
2 this all happen?

3 Number two, at least from the Court's point
4 of view, I'm going to try not to add any fuel to this
5 raging fire, and maybe even lower the temperature a
6 little bit here.

7 These are serious allegations involving
8 reputation which are, of course, matters of
9 significance. Also, the threats of default and the
10 significance of that potential loss of property is a
11 serious matter.

12 So, although I am sure that at the conclusion
13 of the hearing you won't be singing Kumbaya and holding
14 hands, we are at least going to try to create an
15 environment where an orderly and fair resolution of
16 this dispute, wherever that may lead us, can take
17 place.

18 So, I want to hear from each of you. Where
19 you think the case is, and where do you think the case
20 should go, and how to get there. So, Mr. Berg, why
21 don't we start with you?

22 MR. BERG: Thank you, Your Honor.

23 (Pause in proceedings.)

24 MR. BERG: May it please the Court? First
25 off, Your Honor, just some housecleaning. Ms. Taitz

1 stated she's also representing Defend Our Freedoms
2 Foundation, Inc, which is a corporation, so I don't
3 believe she can properly represent them, because she is
4 not --

5 THE COURT: But, she's a lawyer, why can't
6 she represent a corporation?

7 MR. BERG: She's not admitted to the bar
8 here, I don't believe.

9 THE COURT: Well, she'll be admitted for
10 purposes of this hearing.

11 MR. BERG: Thank you, Your Honor. Also, when
12 Mr. Hoppe mentioned representing everyone, I'm not sure
13 if he's representing the Sankey Firm. No one has ever
14 entered their appearance for the Sankey Firm.

15 MR. HOPPE: That is correct, Your Honor, I
16 misspoke. There is an issue and I was going to address
17 when I got to speak about the Sankey firm that I can do
18 now if you want, to explain what's going on with them,
19 or we could do it later.

20 THE COURT: Well, why don't we let Mr. Berg
21 go first?

22 MR. HOPPE: Okay.

23 THE COURT: Then, you raise that issue and
24 we'll take that up.

25 MR. HOPPE: Yes, sir.

1 THE COURT: What do you mean, the issue, what
2 is the issue, Mr. Berg, with him?

3 MR. BERG: I don't believe there is an issue.

4 THE COURT: Oh, okay.

5 MR. BERG: No one has entered their
6 appearance --

7 THE COURT: Okay.

8 MR. BERG: -- and I have taken the default
9 judgment against them.

10 THE COURT: A default, you have entered a
11 default, not a judgment.

12 MR. BERG: I've entered a default, yes. The
13 default judgment has not been entered.

14 THE COURT: Right.

15 MR. BERG: I filed papers for the Court to
16 enter a default judgment.

17 THE COURT: Right. Okay.

18 MR. BERG: Procedurally, the case was filed,
19 and I could go through -- I think the largest issue
20 here is whether this Court has personal jurisdiction
21 and venue. I believe it does.

22 The Court here has both general and specific
23 jurisdiction over the defendant. Plaintiffs
24 incorporate their complaint in all the internet
25 postings and mass e-mailing included in the plaintiffs

1 complaint here.

2 I believe all plaintiffs have agreed to
3 Pennsylvania jurisdiction. All of the defendants have
4 worked with each other and together to continue their
5 slander, defamation, invasion of privacy, violations of
6 rights of privacy, et cetera.

7 The Hale defendants have had all the other
8 defendants on his radio show to further their torturous
9 and illegal behaviors targeting the Pennsylvania
10 plaintiffs.

11 THE COURT: Okay. Well, all of that is
12 allegation, but where are the facts, and where are the
13 affidavits that supports those allegations?

14 MR. BERG: Well, I think the major, the first
15 issue here is I filed for a TRO preliminary injunction.

16 THE COURT: Right.

17 MR. BERG: We have a counsel that hadn't
18 entered their appearance. Your Honor, when I appeared
19 before you, said when everyone entered their
20 appearance, and I wrote to the Court when everyone had,
21 except anyone for Mr. Sundquist who was, in my opinion,
22 avoiding service. It cost me a fortune to serve him,
23 but he said I haven't been.

24 But, now that everyone has been served, with
25 the exception of Mr. Sundquist, all of the other

1 defendants have continued their behavior, which has
2 really been detrimental to Lisa Liberi. The
3 publication of her social security number and the
4 continued mention of that, violates state law in
5 California, and also federal laws.

6 THE COURT: Where has that been published?

7 MR. BERG: It's been published throughout the
8 internet on her first --

9 THE COURT: Right now. As of now, is it on
10 the internet?

11 MR. BERG: Yes, it's all over the internet.
12 Ms. Taitz continues, even the day she was served, she
13 continues to put out dossier number six, which is, if
14 you recall, Your Honor, I attempted -- that's filed
15 here with the Court, with the social security number
16 blocked out, because I didn't want it in PACER.

17 She continues to put out dossier number six,
18 with a complete social security number of Ms. Liberi.
19 Shocking, two days ago, and I filed another motion
20 here, and I know we're up to over seventy filings in
21 this case, Ms. Taitz filed a documentation on her
22 website, and all these things are there, and we have
23 copies, and we submitted them as attachments and
24 exhibits, she has filed Ms. Liberi's mother's maiden
25 name, and the fact that she was born in the State of

1 Washington.

2 We don't even know how she's getting this
3 information. It's not public information. Her latest
4 opposition to my recent request for an injunction is
5 the fact that she's the press and, therefore, she has a
6 right to publish this information.

7 THE COURT: Now, but what is it? The social
8 security, is that being published now or was published
9 in the past?

10 MR. BERG: Continually.

11 THE COURT: Is it on the website?

12 MR. BERG: Yes. It's continually. She sent
13 it out, we know, at least six times. I think we've
14 stated about 140,000, because she blatantly stated that
15 she sent it out on her first e-mailing to over 24,000,
16 and she continues to do it, and she said she's also
17 sent it out internationally, and she's asked other
18 people to keep distributing it. So, we really don't
19 know how many people are taking up this, and --

20 THE COURT: Well, I can't enjoin all those
21 people all over the world.

22 MR. BERG: No, I'm not asking that. I'm
23 asking that all of the defendants and specifically Ms.
24 Taitz and her corporation, and Mr. Hoppe, who is
25 representing for a limited purpose here, all of his

1 defendants.

2 Mr. Sundquist, except for what he did
3 initially here, has not done anything, and that's why
4 there's a motion pending to have him dismissed from
5 this case, to straighten out the diversity problem we
6 have in this case, which we have filed that with the
7 Court, and the Court can do that on their own motion.

8 THE COURT: Let me see if I can understand
9 this.

10 MR. BERG: Yes.

11 THE COURT: Other than the social security,
12 you are complaining of certain allegations that are
13 being made by the defendants about you and the other
14 plaintiffs?

15 MR. BERG: That's correct.

16 THE COURT: Okay.

17 MR. BERG: Ms. Taitz, for whatever reason,
18 and it makes no sense, has decided she wants to take me
19 down, and she's going to do it through my paralegal,
20 Lisa Liberi. She has stated that on the internet. She
21 has therefore gone full steam ahead for the past three,
22 four months against Lisa Liberi. It makes no sense,
23 Your Honor.

24 For the record, and I'm sure the Court's
25 aware from the documentation, we both are supposedly

1 involved with a question about whether President Obama
2 is a natural born citizen.

3 To take me down makes no sense, because I
4 have three pending cases in the Federal Court System.
5 One here in the Third Circuit of Appeals on the issue
6 of standing, one in the DC Circuit Court of Appeals on
7 an interpleader action, which we filed on behalf of
8 retired Air Force Colonel Hollister, who asked the
9 question if he's retired, he's on ready recall, and his
10 complaint was whether if the President orders him back
11 to duty, does he obey that order coming from a valid
12 President, or does he disobey that order coming from a
13 usurper, a person who's in office that doesn't belong
14 there. That case was dismissed.

15 We have a third case, a case which was filed
16 under seal, which I brought to Your Honor's attention,
17 after Ms. Taitz, who obviously should know better
18 because she is an attorney, she got some data about
19 that case and publicized that, which I notified Your
20 Honor and I notified the judge, Judge Roberts in the
21 United States District Court for the District of
22 Columbia.

23 Now, we did have a hearing on that case on
24 June 8th or 9th, and very interesting how they handle a
25 sealed case, if I may say. As soon as everyone's

1 there, the door is actually locked, the windows in the
2 back of the door are covered, and the proceeding went
3 on.

4 Unfortunately for me, at the end of the
5 proceeding, the judge there, just for the record here,
6 stated -- actually when he first came out, he was very
7 pleasant, and he said Mr. Berg, I just want you to
8 understand that the DC Circuit Court of Appeals gives
9 me no authority to comment on this False Claims Act
10 case, or qui tam and that's in opposition to the Ninth
11 Circuit in California has said "The statute provides
12 that a hearing will be held."

13 So, if a hearing will be held, it's my belief
14 and my argument that the judge in that case should have
15 input. So, he stated after you make any remarks to me,
16 it's up to the Justice Department and the Attorney
17 General's Office whether they want to proceed on the
18 case or allow you to proceed as the relater in the
19 case.

20 I argued for about twenty minutes. At the
21 end of the argument, the judge turned to the
22 representative of the Attorney General's Office and the
23 Justice Department and said has Mr. Berg convinced you,
24 and they said no. It's no surprise. The case was
25 dismissed, with prejudice, but the case was also

1 unsealed.

2 So, the case is now unsealed, and we have
3 filed now a motion for reconsideration, because in
4 researching it, we found that there's a major conflict
5 of interest there by the Attorney General on this
6 statute, and we asked that either I be --

7 THE COURT: Okay. Well, I don't know what
8 that has to do with this case, Mr. Berg, frankly.

9 MR. BERG: Well, what it has to do with this
10 case is that I have three --

11 THE COURT: Okay.

12 MR. BERG: -- pending cases, whereas Ms.
13 Taitz wants to take me down makes no sense, okay?

14 THE COURT: Okay. I don't know her
15 motivation, but let me ask you something.

16 MR. BERG: Sure.

17 THE COURT: As I'm reviewing the complaint,
18 it seems to me that they are three somewhat separate
19 sets of events here, and I classified them as follows,
20 based on your allegations in the complaint.

21 The Hale defendants defamed Adams which
22 apparently occurred through the website.

23 MR. BERG: Through the website and the radio,
24 they have a radio station.

25 THE COURT: And the radio, and that's

1 somewhere in --

2 MR. BERG: In Texas.

3 THE COURT: -- Western Texas, okay.

4 MR. BERG: They're not in Western.

5 THE COURT: Southern Texas?

6 MR. BERG: Some place, but not Western.

7 THE COURT: Okay.

8 MR. BERG: That's why it makes no sense why
9 they're asking for a transfer to Western.

10 THE COURT: That's right. Number two, the
11 Hale defendants defamed Berg and Liberi. Now, that
12 occurred through the radio program and the website?

13 MR. BERG: Correct.

14 THE COURT: Okay. Then the Belcher defendant
15 defames Berg and Liberi, and that occurred how?

16 MR. BERG: Same way, through the radio
17 station.

18 THE COURT: Website and the radio?

19 MR. BERG: Yes, Your Honor.

20 THE COURT: Okay. Taitz and Sankey
21 defendants defamed Ostella. How did that happen?

22 MR. BERG: By e-mail, Your Honor.

23 THE COURT: E-mails?

24 MR. BERG: E-mails.

25 THE COURT: Well, you also said -- by e-mails

1 only?

2 MR. BERG: E-mails only, and since the
3 complaint has been filed, and that's why we have filed
4 the motion to dismiss, there's been no further action
5 by Mr. Sundquist or Rock Salt, which is Rock Salt
6 Publishing.

7 THE COURT: Where was Sankey first? Let's --

8 MR. BERG: Okay.

9 THE COURT: Taitz and Sankey defame Ostella,
10 and that happened by sending out some e-mails?

11 MR. BERG: Oh, I'm sorry. Taitz and --

12 THE COURT: Ostella, I'm with Ostella now.

13 MR. BERG: Okay.

14 THE COURT: How did that happen?

15 MR. BERG: Yes, I'm sorry. Sundquist sent
16 out some e-mails on there and then Taitz --

17 THE COURT: Okay. Forget about Sundquist for
18 a minute.

19 MR. BERG: Okay.

20 THE COURT: Taitz and Sankey defamed Ostella,
21 how did that happen?

22 MR. BERG: I'm sorry, Taitz and Sankey
23 against who, sir?

24 THE COURT: Ostella.

25 MR. BERG: By taking this material and

1 repeating it, and putting it out further on the
2 internet.

3 THE COURT: Okay. So, the Ostella alleged
4 defamation occurred through the website and by posting
5 on the internet, is that right?

6 MR. BERG: Yes.

7 THE COURT: Okay. Now, Taitz and Sankey
8 defendant defamed Liberi and Berg, how did that happen?

9 MR. BERG: Same way, e-mail, website. Oh,
10 I'm sorry.

11 THE COURT: Taitz and Sankey against --

12 MR. BERG: Let me back up, if I could back up
13 one. Taitz and Sankey on Ostella --

14 THE COURT: Yes.

15 MR. BERG: -- was the website, internet, and
16 radio.

17 THE COURT: And radio, okay.

18 MR. BERG: Okay. Then Taitz and Sankey on
19 Liberi and Berg is the website, the internet, and
20 radio.

21 THE COURT: Okay. Then Sundquist and
22 Ostella, you say that he did it once, but he stopped
23 doing it, so we're not too concerned with him?

24 MR. BERG: That's correct, Your Honor.

25 THE COURT: Okay.

1 MR. BERG: Also, further on this, anytime
2 Taitz is involved, it's a constant -- I guess it goes
3 further than the internet, but she has a regular
4 reporting on the World Net Daily, which is a news site
5 on the internet.

6 THE COURT: On the internet, as well.

7 MR. BERG: So, I guess it covers that, has
8 repeated many of these allegations.

9 THE COURT: Okay. Now, this seems to be
10 three separate defamations, if you want to call it
11 that, three separate incidents or series of incidents.
12 How do they all hang together?

13 MR. BERG: Well, they are all together
14 because Taitz, Sankey, and then all of the defendants
15 that Mr. Hoppe is representing, are constantly going on
16 either the internet, they're sending out -- like on the
17 Hoppe defendants, Ed Hale, and his wife Caren Hale and
18 Linda Belcher, they're constantly on Ed Hale's radio
19 show, and they're constantly re-publicizing the same
20 information detrimental -- there's no legitimate
21 purpose for what they are constantly doing on a daily
22 basis, and we have attached to our pleading exhibits,
23 and we have --

24 THE COURT: Now, this radio station, is this
25 a regular AM/FM station?

1 MR. BERG: No, no, this would be an internet
2 radio.

3 THE COURT: This is an internet station?

4 MR. BERG: Yes. But, Ms. Taitz has been on
5 regular radio stations on the AM, yeah, on the AM she's
6 been on, she's been on the internet radio, wherever she
7 can she's been dispersing this vile derogatory
8 information for no legitimate purpose.

9 THE COURT: Okay.

10 (Pause in proceedings.)

11 THE COURT: Okay. So, you want to dismiss
12 Sundquist from the case, right?

13 MR. BERG: And Rock Salt.

14 THE COURT: Okay, because they're New Jersey.
15 Rock Salt Publishing, okay. They're the New Jersey
16 ones that we could --

17 MR. BERG: Yes.

18 THE COURT: Okay, fine.

19 MR. BERG: On that if I just may make a
20 comment, Your Honor, with Mr. Sundquist he did file an
21 answer on behalf of Sundquist and Rock Salt.

22 THE COURT: Yes.

23 MR. BERG: He filed an answer and a motion to
24 dismiss, which is significant. Then I sent him a
25 stipulation, which I have attached to withdraw.

1 THE COURT: Yes.

2 MR. BERG: He didn't sign that, and then I
3 filed a motion for leave to dismiss.

4 THE COURT: He didn't sign it, or he did sign
5 it?

6 MR. BERG: He did not sign it.

7 THE COURT: Okay. Does he want to be
8 dismissed?

9 MR. BERG: No, no. Then, I file a motion for
10 leave of this Court to dismiss him.

11 THE COURT: Right.

12 MR. BERG: He files an opposition to my
13 motion to dismiss, which I believe is improper because
14 when he filed his answer, he filed a motion to dismiss.
15 So, he first asked for it, now that I want him out,
16 he's changed his mind.

17 THE COURT: Well, I mean, I'm not sure that
18 you are not actually entitled. You can file an amended
19 complaint and just drop him.

20 MR. BERG: I could do that.

21 THE COURT: So, I'm not going to delay this
22 too much thinking about someone who you want to dismiss
23 from the case. Okay. So, you want to proceed against
24 all these folks.

25 Now, and I'm not here to listen to the merits

1 of these motions, but on review of a couple of the
2 cases here, the Toys "R" Us case here in the Third
3 Circuit, and my own case, I guess, in the Linden
4 Research, is there a question here of personal
5 jurisdiction, specific jurisdiction with these folks?

6 MR. BERG: No, I believe they have all
7 subjected themselves.

8 THE COURT: How, how did they do that?

9 MR. BERG: Well, it's an issue, but I think
10 they have, Your Honor.

11 THE COURT: Just give me the preliminary
12 theory of how they did that.

13 MR. BERG: Well, they did that by -- they've
14 all appeared on the radio station for Ed Hale, his
15 radio show, which discusses this issue and he's
16 complaining about me and my law firm and Lisa, who
17 works for me as a volunteer --

18 THE COURT: Right.

19 MR. BERG: -- which is Pennsylvania. There's
20 cases which I have cited which show that the internet,
21 which is a new phenomena we now have, but publication
22 on the internet against someone in the state, like in
23 Pennsylvania, I don't have the case, they're in my
24 brief, but subjects the person to personal
25 jurisdiction.

1 THE COURT: But, that means the entire world?
2 You could be sued anywhere. I mean, they could have
3 been sued in China, I suppose.

4 MR. BERG: Well, I don't think it goes that
5 far because, Your Honor, I'm here, and they are
6 bringing action against me, they're complaining about
7 things.

8 For instance, Linda Belcher. Linda Belcher
9 was working for me as a volunteer as a moderator. She
10 subjected herself then to this Court by being a
11 moderator on my website. So, therefore, I believe she
12 subjected herself to that.

13 THE COURT: Okay.

14 MR. BERG: Also, Belcher filed an answer to
15 the complaint and waived her defenses, including
16 affirmative defenses.

17 THE COURT: Right.

18 MR. BERG: So, by doing that, she's here in
19 this court. She has admitted that she told others that
20 she worked for me, did work for me.

21 The Hale defendants have directed everything
22 at me and my law firm. The Hale defendants subjected
23 themselves to the Court's jurisdiction when they filed
24 a Supreme Court complaint against me here in
25 Pennsylvania, attempting that my bar license be

1 revoked, so they were there. Also, the Hale defendants
2 filed their answer to my complaint, and waived their
3 defenses, including affirmative defenses, they didn't
4 raise it.

5 The Sankey defendants subjected themselves to
6 this Court's jurisdiction when they directed all their
7 actions against me, my law firm, and Lisa Liberi. They
8 also did that by failing to answer the Sankey Firm,
9 subjecting themselves to the Court's jurisdiction by
10 failing to answer the complaint pertaining to their
11 company. Default was entered, and we have filed and
12 submitted for a judgment by default package to the
13 Court.

14 They also, the Sankey defendants, the other
15 two, filed their answer to the complaint and waived
16 their defenses, including affirmative defenses. They
17 didn't raise them.

18 THE COURT: They didn't raise personal
19 jurisdiction?

20 MR. BERG: They did not.

21 MR. BERG: Orly Taitz then, her Defend Our
22 Freedoms Foundation, Taitz has clients in this area.
23 She's currently working on a project in Pennsylvania,
24 attempting to have Arlen Specter, the US Senator
25 located in Philadelphia, recalled. They're meeting

1 with a group of individuals to speak with law
2 enforcement officers and senators. It's on their
3 internet.

4 THE COURT: Now, do you have any affidavits
5 that support those allegations?

6 MR. BERG: I have the information from her
7 website, which we've attached to our exhibits. I mean,
8 it's her material.

9 THE COURT: Yes, but do you have any
10 affidavits that have been filed in support of that
11 information?

12 MR. BERG: I'm not sure if it's an affidavit,
13 but I could have them filed.

14 THE COURT: Okay. All right.

15 MR. BERG: Okay. I'm not sure if we put
16 them --

17 THE COURT: Okay. So, I mean, each defendant
18 has to be treated differently. I don't think you can
19 just toss them all in the same pan.

20 MR. BERG: I agree. I agree, Your Honor, but
21 I have a breakdown. I've broken down each one in their
22 opposition, while personal and jurisdiction, and I have
23 a whole brief here on that.

24 Also, dealing with the defendants that Mr.
25 Hoppe is representing, I think that on that case, that

1 he has filed just yesterday an improper motion to
2 dismiss, for the reason that they're violating Federal
3 12(g) and 12(h) and Rule 15.

4 12(g) and (h) you can only file one motion to
5 dismiss, and was previously filed on May 26th. Other
6 than that -- and also, they filed it with no briefs
7 attached, no law.

8 Also, Rule 15 says that to file a second, as
9 the Court is aware, you must file a motion for leave of
10 court, or a stipulation from me, which I'm not willing
11 to give them, so I believe that his motion yesterday is
12 improper.

13 He also -- he filed an admittance entry of
14 appearance yesterday. He filed a new one this morning,
15 just limiting on the jurisdiction and venue. On venue,
16 everyone wants to transfer this case to the Western
17 District of Texas, which makes no sense because there's
18 only one defendant there and, also, there's law
19 preventing that.

20 They stated -- they've stated in their
21 various radio shows that have a ninety-nine percent of
22 winning there, so that would be a prejudice, that's
23 court shopping.

24 Also, Linda Belcher has stated a threat that
25 if we come into the Western District of Texas, we might

1 come out in pieces. So, I think on that basis, it
2 should not be to the Western District. But, other than
3 that, it doesn't even make sense the Western District
4 of Texas.

5 THE COURT: Okay. Fine. I think I've got
6 the general gist, Mr. Berg. Why don't we let the other
7 people give me a sort of a flavor of where they're
8 going in with the case, and we will come back to you.

9 MR. BERG: Thank you, Your Honor.

10 THE COURT: Mr. Hoppe, please.

11 MR. HOPPE: Thank you, Your Honor. If I can
12 just touch on the Sankey Firm real quick. The issue
13 that's come up, I have been advised by Neil Sankey, one
14 of my clients is Sankey Investigations, is that the
15 Sankey Firm was sued and a default judgment was entered
16 against him, but the Sankey Firm, he actually has no
17 affiliation with.

18 It's run by his son. He doesn't work there,
19 he has no authority to act on their behalf, he
20 certainly did not have authority to accept service on
21 their behalf.

22 Mr. Berg had apparently Neil Sankey served
23 with a complaint, supposedly on behalf of the Sankey
24 Firm, and he didn't have authority to accept service,
25 and a default judgment was entered.

1 THE COURT: Not a judgment.

2 MR. HOPPE: The Sankey Firm has never been --
3 I know, default papers have been filed.

4 THE COURT: Yes.

5 MR. HOPPE: I apologize.

6 THE COURT: Okay.

7 MR. HOPPE: So, the Sankey Firm has never
8 actually been served. I haven't been retained to
9 represent them to get that straight.

10 THE COURT: Okay. You don't represent them,
11 so we'll put them aside.

12 MR. HOPPE: That's the issue with them.

13 THE COURT: Okay.

14 MR. HOPPE: I just wanted to make you aware.
15 If we can talk about -- I guess the reason I'm here is
16 on the jurisdiction and venue.

17 I can touch on the other issues that you had
18 talked to Mr. Berg about, the injunction, although I'm
19 not specifically involved in that. I wasn't aware we
20 were going to be talking about that, so I didn't
21 specifically talk to my clients about it.

22 THE COURT: Well, we're getting --

23 MR. HOPPE: But, regardless --

24 THE COURT: We're going to try to schedule
25 the matter, so I want to get a feel for where you want

1 to go.

2 MR. HOPPE: Sure. What I actually filed
3 yesterday, as Your Honor's aware, is a memorandum of
4 law in support of the motions to dismiss that my
5 clients had previously filed. It's not a new motion to
6 dismiss.

7 THE COURT: Right.

8 MR. HOPPE: My clients are filing pro se, and
9 the fact that I think that perhaps their motions under
10 12(b) (6) were not exactly formatted correctly as I
11 might have if I was an attorney, I think the Court
12 generally gives some latitude to pro se defendants.

13 I think if you would look at their motion to
14 dismiss, it's clear from the motions that were filed on
15 the 26th exactly what the clients, or these parties
16 were seeking, which was a 12(b) (6) or a 12(b) motion
17 seeking dismissal for lack of jurisdiction.

18 As Your Honor touched on, there's no evidence
19 that has been presented by Mr. Berg to sustain any ties
20 between my clients and the State of Pennsylvania. The
21 easiest one is the Sankey defendants, Neil Sankey and
22 the Sankey Investigations.

23 As I mentioned in my brief, if you look at
24 the allegations in the complaint, and also in the
25 allegations of Mr. Berg's response to the motion to

1 dismiss filed by Mr. Sankey, he doesn't cite a single
2 contact by Mr. Sankey with Pennsylvania. There's
3 absolutely nothing that even references Pennsylvania
4 with Mr. Sankey.

5 So, there's clearly no efforts alleged by Mr.
6 Berg on behalf of Mr. Sankey to target Pennsylvania,
7 and that is the standard, as Your Honor has indicated
8 in Toys "R" Us. Your Honor discussed about it in the
9 Linden case. Some of the other cases we cited,
10 D'Onofrio, which Judge Brody had talked about at great
11 length in her decision a couple of years ago, and
12 specifically talked about the importance for
13 jurisdictional purposes of the non-resident defendant
14 targeting the jurisdiction.

15 The fact that Mr. Hale may sit in his radio
16 booth in Texas and talk about Mr. Berg, who's a
17 resident of Pennsylvania, doesn't mean that he's
18 targeting Mr. Berg in Pennsylvania.

19 He's making all the allegations against Mr.
20 Berg -- excuse me, against Mr. Hale, as Mr. Berg
21 indicated, are e-mails, website postings, that type of
22 thing, which originated out of Texas. There was no
23 allegations that Mr. Hale or any of the Hale defendants
24 specifically targeted the State of Pennsylvania.

25 Mr. Hale brings up the Supreme Court, I guess

1 disciplinary filing. This is the first I've ever heard
2 of that, but even if so, there's case law out there
3 that says that even filing a lawsuit in the state
4 doesn't subject a non-resident defendant to the
5 jurisdiction of the state for other matters, because
6 there's no reason for that particular non-resident
7 defendant to believe that they're going to be haled
8 into court, as the cases say, in Pennsylvania simply
9 because they filed a lawsuit in an unrelated matter
10 there.

11 As Your Honor had mentioned in Toys "R" Us
12 and some of these other cases, you know, when they deal
13 with the website issues the Courts have been crystal
14 clear that there has to be evidence that the website
15 specifically targets Pennsylvania. The fact that the
16 website is accessible by people who live in
17 Pennsylvania isn't sufficient for personal jurisdiction
18 purposes.

19 He talked about Ms. Belcher being a moderator
20 on his website, he has provided no evidence of that
21 first of all, but he has also provided no evidence that
22 Ms. Belcher performed any work in Pennsylvania, she
23 lives in Texas, or even that his website is located in
24 Pennsylvania.

25 In fact, I believe the evidence would

1 establish that his website is hosted I believe by a
2 firm in Arizona. So, even if she was doing moderation
3 of his personal website, it is not located in
4 Pennsylvania. So, she wouldn't actually be performing
5 the work in Pennsylvania.

6 Mr. Berg also indicates that any work that
7 was done was on a volunteer basis. I think any efforts
8 that she might have made on his behalf, even if you
9 accept that there were some were attenuated at best and
10 don't meet the standard of targeting the forum for
11 purposes of subjecting somebody to personal
12 jurisdiction.

13 I talked about Sankey, Belcher and Hale. I
14 mean, I went over these things in my memo in some
15 length, but I think the main point that I would like to
16 make with Your Honor on the jurisdiction, the personal
17 jurisdiction, is there is no general jurisdiction or
18 specific jurisdiction because there is no evidence
19 presented by the plaintiffs to establish that any of
20 these defendants purposefully targeted the plaintiffs
21 in Pennsylvania, or targeted the forum such as would
22 reasonably cause them to believe that they could be
23 taken into Court here to be sued, and that is the
24 standard.

25 And as Your Honor indicated at the beginning,

1 it is an important point, the case law is clear that
2 Mr. Berg and all of the plaintiffs are required when
3 jurisdiction is challenged to present evidence in
4 support of their claim that jurisdiction is proper.
5 They can't rely on allegations in the complaint, and I
6 cited the cases in my brief that stand for that
7 principal.

8 The plaintiffs haven't presented any evidence
9 in support of the claims that the jurisdiction is being
10 targeted.

11 THE COURT: Now, you're in favor of
12 transferring the case to the Western District of Texas?

13 MR. HOPPE: It is our purpose the case should
14 be dismissed.

15 THE COURT: Okay.

16 MR. HOPPE: But, in the event that Your Honor
17 is not willing to dismiss it, all defendants have
18 agreed --

19 THE COURT: Now, what is it, for the
20 convenience of the parties and witnesses and the
21 interest of justice, what makes the Western District
22 of Texas a forum where those interests would be
23 promoted?

24 MR. HOPPE: Well, first of all, Your Honor,
25 whichever district it is in Texas, Mr. Berg claims it

1 is the Northern District. My clients said it was the
2 Western District in the motion.

3 I didn't do the research to figure out which
4 is the appropriate one, but the appropriate one in
5 Texas --

6 THE COURT: Where are they located?

7 MR. HOPPE: The --

8 THE COURT: El Paso or where? What is the
9 city? What is the town name?

10 MR. HOPPE: Where my clients reside?

11 THE COURT: The defendants, yes.

12 MR. HOPPE: I apologize, Your Honor. I don't
13 remember off of the top of my head. I can get that
14 information for you, but I haven't had the chance to
15 research exactly --

16 THE COURT: Okay.

17 MR. HOPPE: -- which would be the appropriate
18 jurisdiction, but I can get Your Honor that. A couple
19 things, Your Honor.

20 First of all, if you look at the plaintiffs'
21 complaint there is an essential point where a lot of
22 this information that they are claiming was improperly
23 conveyed is focused out of, and that is Texas.

24 So, if you want to look at a place where if
25 these allegations have any merit, a substantial part of

1 the activities in support of the allegations occurred,
2 it is out of Texas.

3 The radio station, and by the way there is
4 actually a low wattage AM radio station as well. The
5 radio station and the broadcast booth where Mr. Hale
6 broadcasts over the internet is located in Texas.

7 Ms. Belcher resides in Texas. When the interviews are
8 done they are done through Mr. Hale's radio station in
9 Texas.

10 So, most of the evidence related to this case
11 is going to be located either in Texas or California,
12 but a lot of it, a substantial part of it is going to
13 be located in Texas. The parties are there, the radio
14 broadcasts were made out of there. The documents, the
15 e-mails were sent out of there.

16 So, all of that information is there. It is
17 in addition to a convenience of the parties issue.
18 Most of the plaintiffs or the parties don't reside in
19 Pennsylvania.

20 In fact, only two of the plaintiffs reside in
21 Pennsylvania, and that is Mr. Berg and one of the other
22 plaintiffs, I'm sorry, Ms. Ostella or Ms. Liberi, the
23 other ones are out of state.

24 So, for a convenience of the parties Texas
25 would be the more appropriate place and also from a

1 location of evidence, witnesses, that type of thing,
2 Texas is going to be the more appropriate place.

3 When Mr. Berg talks about witnesses and that
4 type of thing and being in Pennsylvania, they are the
5 plaintiffs. They are not the other witnesses like
6 website people, like the defendants, that type of
7 thing. So, that is why we think Texas would be the
8 appropriate venue for this.

9 I don't know if you want me to touch on
10 anything else.

11 THE COURT: No, that would be fine for now.
12 Thank you. Ms. Taitz, please.

13 MS. TAITZ: Good morning, Your Honor. First
14 of all, I wanted to address the issue of default. It
15 happens so that being an out of state defendant, I have
16 filed my motion to dismiss timely on May the 23rd and
17 used overnight Federal Express. It happens so that
18 because of the holiday there was a slight delay in the
19 Court getting the motion.

20 Mr. Berg actually got it timely on the 26th.
21 The Court got their copy, the processor got his copy on
22 the 27th, one day later, and he filed it with the Court
23 on the 28th.

24 I have brought the cases from this Court
25 Bilirubin Commodity Traders and also Profast Commercial

1 Flooring showing that I did not show any disrespect to
2 the Court. I did file timely. There was an
3 unfortunate delay in the Federal Express mailing.

4 I also would like to address the issue of
5 jurisdiction. There is no personal jurisdiction over
6 me in this Court. I have never been to the State of
7 Pennsylvania. It is a beautiful state, but I have
8 never been here. I have never worked here, I am not
9 licenced here.

10 THE COURT: Did you bring an action against
11 Mr. Berg in the Pennsylvania Supreme Court?

12 MS. TAITZ: Never. Never in my life did I
13 bring any actions in Pennsylvania, ever. I have never
14 been here and never brought any actions here. Mr. Berg
15 is mistaken.

16 I have absolutely no contact with the State
17 of Pennsylvania and, therefore, this is not a proper --
18 would not be a proper venue and there is no personal
19 jurisdiction over me or my foundation in the State of
20 Pennsylvania.

21 I also wanted to bring an issue of subject
22 matter jurisdiction. Mr. Berg claims that his
23 complaint is both a complaint of a federal question and
24 diversity.

25 The only federal question that he raised was

1 First Amendment, and First Amendment is a federal
2 question that is addressed against a governmental
3 agency who may be a private party who acts --

4 THE COURT: Well, there is no state actor.

5 MS. TAITZ: Exactly, I am a private
6 individual so there is no --

7 THE COURT: Well, he has got the wiretap
8 statute, because that is a federal statute, right?

9 MS. TAITZ: I don't know how wiretap statute
10 applies to me at all. He didn't plead any federal
11 statute. So, the only thing that he actually relies on
12 and he filed his motion to dismiss without prejudice
13 Mr. Sundquist.

14 THE COURT: Well, he would have diversity of
15 citizenship, wouldn't he?

16 MS. TAITZ: Well, that is the whole point,
17 that he in his action there is no diversity of
18 citizenship for two reasons. First, is that Mr.
19 Sundquist and Mr. Ostella both reside in the State of
20 New Jersey.

21 THE COURT: Right. Citizens of the State of
22 New Jersey.

23 MS. TAITZ: Exactly.

24 THE COURT: But, he wants to dismiss them.

25 MS. TAITZ: He wants to dismiss without

1 prejudice and Mr. Sundquist has already filed his
2 answer. And the dismissal without prejudice, of
3 course, can be done with the leave of court but only in
4 the very narrow exception, and based on Caterpillar
5 based on Grouper Dataflux --

6 THE COURT: Well, had Sundquist filed an
7 answer you said?

8 MS. TAITZ: Yes, Mr. Sundquist had filed an
9 answer on June 9th. So, after the answer was already
10 filed there is a very narrow opportunity to dismiss,
11 and according to the findings of Third Court of Appeals
12 in Grouper Dataflux, it can be done only when the
13 parties have subjected themselves to the discovery, to
14 lengthy litigation, and prior to final disposition a
15 party raises the issue of lack of subject matter
16 jurisdiction, only then the Court can dismiss one
17 party, because it would not be just for the parties to
18 go through years of litigation and then be dismissed
19 due to lack of subject matter.

20 THE COURT: Right. But, this is the first
21 day, so what is the prejudice here?

22 MS. TAITZ: So, in this particular case, Mr.
23 Berg claims that he wants to dismiss Mr. Sundquist
24 because he is a dispensable party. But, if you read
25 his pleadings, the only damage that he is claiming in

1 his pleadings is that Mr. Sundquist is a terrorist.

2 He has stated that because I have published
3 something on my website, Mr. Sundquist who is known to
4 be a terrorist and making terrorist threats is
5 threatening his plaintiffs. He is threatening Ms.
6 Ostella and her family.

7 THE COURT: What is the prejudice to you if
8 Mr. Sundquist is dismissed?

9 MS. TAITZ: Well, the question here can --
10 first question is Mr. Sundquist dispensable or
11 indispensable party? If Mr. Berg claims in his
12 complaint that there is a threat for his clients, I
13 mean the whole issue is the threat, if you dismiss
14 somebody who presents a threat, then there is no case,
15 where is the threat?

16 I posted information, which by the way is
17 true information. I have never posted her social
18 security number and I have proof of that. I have never
19 published any private facts. I have never slandered to
20 anybody. I have never published anything which is
21 untrue.

22 THE COURT: You have never published a social
23 security number?

24 MS. TAITZ: Not her social. Your Honor, I
25 have here declaration of Lisa Liberi that she has filed

1 under the penalty of perjury in the State of
2 California, and she states her social security to be --

3 THE COURT: Well, you don't have to tell me
4 that.

5 MS. TAITZ: Yes. And it was filed in 2006.

6 THE COURT: Right.

7 MS. TAITZ: So, as of 2006 this is her social
8 security, I never published it. So, I never published
9 any private facts. I never published anything
10 libelous.

11 THE COURT: So, the social security number of
12 Ms. Liberi has never appeared on your website?

13 MS. TAITZ: It was not her social security
14 number. What I stated that Mr. Berg has filed a
15 lawsuit and I was not planning to mention this, but he
16 did bring it to court, so I need to respond, against
17 Mr. Obama, stating -- in this lawsuit he submitted
18 affidavits.

19 THE COURT: Right.

20 MS. TAITZ: And when I found out that those
21 affidavits were prepared by a Ms. Liberi who has a
22 lengthy criminal record of forgery of documents I have
23 contacted Mr. Berg, and don't get me wrong, I am not
24 saying it because I am trying to defend Mr. Obama. I
25 came from a communist country. I was born in the

1 Soviet Union. I feel it is extremely important to have
2 transparency in the government. However, you don't
3 achieve transparency in government by submitting
4 documents prepared by a convicted forger of documents.

5 And I have sent an e-mail to Mr. Berg stating
6 Mr. Berg, here is information from my State of
7 California. Ms. Liberi has an extensive criminal
8 record of forgery of documents.

9 Please I would advise you that we both --
10 originally I thought he is innocent. We both should go
11 to FBI and report it, and I would advise you to hire
12 somebody who is a licensed document expert who can
13 review those documents to make sure that there is no
14 forgery there. Moreover, Ms. Liberi has been convicted
15 of -- in numerous counts of grand theft and I have with
16 me --

17 THE COURT: Well, let me just go back to the
18 social security number. Have you ever posted a social
19 security number on your website?

20 MS. TAITZ: But, not her social security
21 number. Her social security number is completely
22 different and it was not published by me. I do have it
23 and it was under --

24 THE COURT: So, when you said not hers, you
25 mean somebody else's social security number?

1 MS. TAITZ: It was a report by Mr. Sankey
2 stating that -- after I published this information Mr.
3 Berg started spreading rumors about me, that I am
4 defrauding people, that I am forging documents that I
5 am spying on people.

6 He made libelous and slanderous attacks on
7 me. I had to defend myself, so I have published a
8 report by Mr. Sankey, a licensed investigator, stating
9 no, I am not telling anything that is not true, I am
10 providing truthful information indeed. Here is the
11 report that Ms. Liberi has numerous social security
12 Numbers. They were labeled 405, they were all partial.

13 There was one social security number that was
14 not partial that was sent in by mistake, but it was not
15 hers. It was not her social security number.
16 According to her affidavit she has a different one.

17 THE COURT: It is a different one than the
18 one in the affidavit?

19 MS. TAITZ: Exactly.

20 THE COURT: It may or may not be hers, but
21 according to you is not the one that matches the
22 information that she filed in the previous affidavit?

23 MS. TAITZ: Well, it cannot be hers because a
24 person should not have more than one social security
25 number --

1 THE COURT: Okay.

2 MS. TAITZ: -- and based on her sworn
3 affidavit, sworn declaration, she --

4 THE COURT: Now, do you have any connection
5 with the Hale defendants? Do you know them?

6 MS. TAITZ: The only connection I have is
7 because I have a foundation called Defend our Freedoms
8 and I have been asked to appear on numerous TV shows
9 and numerous radio shows. There were numerous
10 documentaries made about me and my cases.

11 Mr. Hale has invited me to his show. And on
12 the show he asked me about this matter and, again, I
13 provided truthful information. I never tried to take
14 Mr. Berg down. I have never made --

15 THE COURT: Now, when you appear on the show,
16 where are you physically?

17 MS. TAITZ: In California. I talked to them
18 on the phone. They called me from Texas.

19 THE COURT: They call you on the phone --

20 MS. TAITZ: On the phone, exactly.

21 THE COURT: -- and you appear by way of
22 telephone?

23 MS. TAITZ: By the way, most radio shows
24 today are done by phone. So, it had nothing to do with
25 the state of Pennsylvania.

1 By the way --

2 THE COURT: Now, but you don't mean on the
3 internet. You mean an actual land line?

4 MS. TAITZ: I called them I think on -- I
5 don't recall if it was land line or cell phone.

6 THE COURT: Okay.

7 MS. TAITZ: But, it was an internet show from
8 what I recall and, you know, they asked me a question,
9 you know, what has happened there and I have stated the
10 same thing that I am stating here. I am concerned that
11 when attorneys are bringing legitimate actions and they
12 are asked --

13 THE COURT: Okay. I understand. But you are
14 -- how many times have you appeared on the Hale --

15 MS. TAITZ: I have been several times talking
16 about different issues. Maybe once or twice they asked
17 me about specifically Ms. Liberi, what happened,
18 because there was an issue of my blog being tampered
19 with. There was an issue of e-mail address being
20 changed on my blog. They asked me those questions, I
21 responded. I never slandered to anybody. I never
22 provided one word that is not true.

23 THE COURT: Okay. How about Belcher, do you
24 know?

25 MS. TAITZ: I know Ms. Belcher and I -- and

1 because I have a website that is visited, that has
2 eight and a half million hits per month a lot of people
3 call me and e-mail me.

4 Again, I have never provided any information
5 that is not true. I never slandered to anybody but,
6 moreover, there is -- there is a serious issue
7 actually.

8 Mr. Berg, again, stating that I am somehow
9 threatening him, but in reality after Mr. Berg has
10 posted slanderous remarks about me --

11 THE COURT: What about Ms. Belcher, tell me
12 about that.

13 MS. TAITZ: Nothing. I -- Ms. Belcher has e-
14 mailed me a few times and called me and that is it.
15 Ms. Belcher is a private individual, and there is no
16 other connection aside from the fact that she is a
17 private individual.

18 She e-mailed me and as a matter of fact, the
19 information in regards to Ms. Liberi was provided to
20 Ms. Ostella, his own plaintiff, who e-mailed me and
21 provided information and I have verified it through
22 Sankey firm.

23 THE COURT: Okay. Anything else you want to
24 say, Ms. Taitz?

25 MS. TAITZ: Yes. I -- what -- I would like

1 to state that as you correctly noticed, Your Honor,
2 there are three separate cases here. There is
3 something that happened in Texas and something that
4 happened in California.

5 When there was a tampering with my PayPal
6 account on my website and later on this website was
7 taken over by Ms. Ostella who was my former webmaster,
8 I filed a police report stating that Ms. Ostella is
9 using my website, Defend Our Freedoms Foundation, and I
10 submitted to Your Honor a registration showing that it
11 is registered in the State of California.

12 I have filed a police report that my
13 foundation is being used. The website of my foundation
14 is being used by a former webmaster who is not
15 authorized to do so.

16 She has been sending e-mails on behalf of
17 foundation soliciting donations and collecting
18 donations, even though she is not connected and,
19 therefore, it was fraud to my foundation.

20 THE COURT: What has happened to that
21 complaint?

22 MS. TAITZ: I have filed the complaint, it is
23 being investigated. It was forwarded to the financial
24 crimes unit in the Orange County, California. So, I
25 did not file actual legal action in California, as I

1 was waiting for the police to complete their
2 investigation, come with findings and then I would
3 decide how to proceed from there.

4 What Mr. Berg decided to do, he decided to
5 jump the gun and he filed the case in Pennsylvania,
6 even though there is absolutely no connection to the
7 State of Pennsylvania to simply make it difficult on
8 all of the defendants in having us come to the State of
9 Pennsylvania, spend thousands of dollars.

10 He created that based on diversity that
11 doesn't exist, not only because of Mr. Sundquist but
12 also because Ms. Liberi was convicted in the State of
13 California.

14 I do have -- I provided this to you in the
15 pleadings. She is currently -- last year she got eight
16 year prison term in the State of California. Because
17 of her diabetes condition she was -- the eight year
18 prison term was reduced to probation and she was
19 allowed to reside in the State of New Mexico close to
20 her relatives.

21 THE COURT: Okay. Well, we are not there
22 yet. Okay. Anything else you need to discuss?

23 MS. TAITZ: So, based on the fact that she is
24 on probation in the State of California her actual --
25 she is subject to jurisdiction of the State of

1 California and, therefore --

2 THE COURT: Who is that?

3 MS. TAITZ: Ms. Liberi, the main plaintiff.

4 And therefore in relation to my case, if Ms. Liberi has
5 any claim against me or my foundation, then she needs
6 to bring it in the State of California, in the Superior
7 Court in the State of California. That would be the
8 proper venue, the proper jurisdiction and that -- what
9 should be done on her behalf.

10 THE COURT: Okay. Thank you.

11 MS. TAITZ: Thank you.

12 THE COURT: Now, let's see. Mr. Sundquist is
13 there anything that you would like to say?

14 MR. SUNDQUIST: Yes, Your Honor, actually I
15 do.

16 THE COURT: Why don't you come up here?

17 (Pause in proceedings.)

18 MR. SUNDQUIST: Good morning, Your Honor.

19 THE COURT: Good morning.

20 MR. SUNDQUIST: If it pleases the Court, I
21 just have a few comments. I just wanted to say that I
22 initially was involved with this case regarding the
23 Obama situation, his natural born citizenship question.

24 And so I had heard Orly on the internet on
25 the radio, on Dr. Tate's, on a number of her

1 publications, her website and I heard Mr. Berg being
2 interviewed on a radio station.

3 At the time, and it is sad in this situation
4 for me, because I was applauding them both, encouraging
5 them, and I was glad about both of their campaigns,
6 Your Honor.

7 And Dr. Taitz even, I heard her state that
8 even with the opposition that Mr. Berg was getting for
9 his campaign regarding Obama, she actually was cheering
10 him on, and glad that he was in a sense kind of a
11 grandfather or a forerunner of this campaign and that
12 he should be given credit for having gotten that
13 rolling before she became involved in it.

14 So, initially that was the situation with Dr.
15 Taitz and Philip Berg. So, as to my great shock and
16 dismay that I received a lawsuit from Mr. Berg
17 regarding the defamation, the harassment, terrorism
18 that I was supposed to have done.

19 Your Honor, you asked Mr. Berg about is there
20 any affidavits, supporting statutes for the State of
21 California or federal statutes regarding the situation
22 with Ms. Liberi's social security number, driver's
23 license, et cetera, and I have cousin who is a former
24 head of parole in the State of California, so I asked
25 the question of her, she is not presently -- she was

1 during the Reagan administration, is there any statutes
2 or anything in the manual of corrections for the State
3 of California that govern the publication of a social
4 security number, and she wrote back and I have the e-
5 mail to this regard, that there is for a parolee or a
6 probation -- person on probation that they are not
7 entitled to the protection of their social security
8 Number.

9 So if -- and I have talked to a probation
10 officer in the State of California for one of the
11 counties, probation is governed by counties versus
12 parole governed by the entire state. That is not the
13 case in New Mexico where Ms. Liberi is now. They are
14 governed by the same authorities.

15 It is governed by the county in California
16 and one of the heads of the counties in California said
17 that they had a sixty day window by which they could
18 publish social security numbers.

19 So, whether Ms. Liberi's social security
20 number is correct or it is incorrect, if she was
21 convicted of any felonies there is that window of time
22 that it can be published.

23 So, therefore, when the newspapers had
24 published it, and anybody repeats what is published in
25 the newspaper, she is not entitled to that protection,

1 whether or not Ms. Taitz published it or not.

2 So, it would become irrelevant and I have
3 letters into the head of the parole and probation in
4 California as well as New Mexico, I have not yet heard
5 back as to further corroboration and confirmation of
6 statutes, both federal and state that govern that
7 point.

8 As to Mr. Berg's stating that I initially
9 asked to be dismissed, and then I later asked to not be
10 dismissed, the reason I initially asked to not be --
11 asked to be dismissed was that I wanted to be dismissed
12 with prejudice and without having to pay \$558 dollars
13 because of his inability to serve me.

14 And he had already sent letters out to the
15 other defendants that I had refused to respond to his
16 filing suit against me, and I didn't even know that he
17 had send the thing out and he said that I had resisted
18 being served and, Your Honor, I was in the hospital
19 three times during the month of May.

20 I was in bed and couldn't get up for about
21 two and a half of those weeks and I can provide
22 evidence that I was in the hospital three times because
23 I was in very, very poor health. I recovered somewhat
24 from then and so, that is --

25 THE COURT: So, why don't you want to be

1 dismissed from the case? I mean, why do you want to be
2 in this case?

3 MR. SUNDQUIST: Well, I would not mind being
4 dismissed, Your Honor, with prejudice because if it is
5 without prejudice, Your Honor, as I understand it I can
6 be sued again. It can be started all over again.

7 THE COURT: Right.

8 MR. SUNDQUIST: Secondly, I don't feel like I
9 should have to subsidize Mr. Berg's ineptitude in being
10 able to serve me.

11 THE COURT: Well, let's assume that your
12 relief from the responsibility of paying for service.
13 So, you go home and you are no worse off than you were
14 before the lawsuit started.

15 MR. SUNDQUIST: Well, I --

16 THE COURT: You haven't retained a lawyer,
17 you haven't incurred any expense. The lawsuit is
18 only -- you know, if you were on board, here you are in
19 for a long ride.

20 MR. SUNDQUIST: I understand that, Your
21 Honor. I just wish --

22 THE COURT: And you are representing, for
23 example, you have a corporation I understand, is that
24 right, that is being sued here, the publication?

25 MR. SUNDQUIST: If you're referring, Your

1 Honor, to Rock Salt --

2 THE COURT: Right.

3 MR. SUNDQUIST: -- it's not a company, it's
4 listed as publishing, but it's basically just an a/k/a,
5 there is no d/b/a.

6 THE COURT: It's a trade name.

7 MR. SUNDQUIST: Pardon?

8 THE COURT: It's a trade name.

9 MR. SUNDQUIST: Okay. When I'm on the
10 internet and I'm speaking about different issues
11 relating to scripture I write on -- relating to the
12 bible, and I do that ministry, I use that term, and
13 then I sign it as my name. So, it's really how I
14 function in my ministry.

15 THE COURT: Well, that is called a trade
16 name.

17 MR. SUNDQUIST: Okay.

18 THE COURT: In other words, it's not a
19 separate legal entity. It's a name to which you speak.

20 MR. SUNDQUIST: That is correct, so
21 effectively one and the same.

22 THE COURT: Okay. So, now what is the point?
23 I mean, I don't understand. This just got started, you
24 shouldn't -- giving you the benefit of the doubt, you
25 shouldn't, as we call, subsidize Mr. Berg, so he says

1 you go home and that's it.

2 Now, is he sues you again, I don't know
3 whether he will or not, that will be up to him and up
4 to you to resolve this matter. But, I don't know why
5 you want to be in this case.

6 MR. SUNDQUIST: Well, Your Honor, if it
7 please the Court, would I be able to submit -- I prefer
8 that the entire case be dismissed because of the
9 diversity question.

10 THE COURT: Well, that has nothing to do with
11 you, that has to do with everybody else.

12 MR. SUNDQUIST: Okay. Well, if Your Honor
13 chooses to then exclude me so that diversity is not a
14 case, there still remains that he's submitted a
15 petition to you that I be removed without prejudice,
16 and I would request of Your Honor that if you so rule,
17 that it would be with prejudice and that I would not be
18 asked to pay this \$558.

19 THE COURT: Well, I can understand the \$558.
20 I can't understand with prejudice or without prejudice,
21 because I have no idea whether or not you are liable
22 for what you did, or you are going to be found not
23 liable. I mean, that hasn't been determined.

24 The only harm that you have suffered
25 potentially would be that you have been -- if you were

1 required to pay for service in the lawsuit that is not
2 going to go forward. But, you are no more harmed than
3 if he hadn't sued you at all.

4 MR. SUNDQUIST: Except that he has published
5 it and I'm in a ministry where my name and reputation
6 is very --

7 THE COURT: Well, then you want to stay in
8 the suit. I mean, we may sever the case and send it
9 to New Jersey and it will be you against Mr. Berg in
10 New Jersey and, you know, there the jury would then
11 determine who is right and who is wrong.

12 So, if you want to stay on -- it's kind of
13 rare that people want to stay in a lawsuit, you know,
14 they really want to go home. But, if that is what you
15 want to do, you know, we may have to accommodate you.

16 MR. SUNDQUIST: Well, before I answer that,
17 if I could --

18 THE COURT: Yes.

19 MR. SUNDQUIST: -- submit the -- and you can
20 rule on this, but is it possible that the person can
21 have that diversity issue, sort of unrob, a bank in a
22 sense? You can amend it and then later introduce --

23 THE COURT: The rules so provide. It simply
24 says that in terms that are just, and that is the
25 question here, what is just in these circumstances?

1 MR. SUNDQUIST: I had a concern that --

2 THE COURT: Just is that you should be placed
3 back to where you would have been had you never heard
4 of Mr. Berg. Do you know where that would be, that
5 would be if you incurred no expense and you can go back
6 and do your own business.

7 MR. SUNDQUIST: Are you able --

8 THE COURT: What will happen tomorrow, I
9 don't know.

10 MR. SUNDQUIST: Are you -- do you have the
11 authority, Your Honor, to rule with prejudice

12 THE COURT: I do have the authority, but how
13 can I rule with prejudice when there has been no
14 evidence one way or the other? There's been, as you
15 say, only accusations and allegations.

16 Mr. Berg never had an opportunity to make his
17 proofs, you've never had an opportunity to defense
18 yourself. The case has bearly gotten started, so how
19 could anyone possibly determine with prejudice or
20 without prejudice.

21 MR. SUNDQUIST: Okay.

22 THE COURT: So, I am going to protect you to
23 the extent that there will no financial cost to you for
24 doing that.

25 Now, you wasted a couple of hours this

1 morning and I appreciate that, not much I can do about
2 that. But, other than that, you can either sign on for
3 the long ride here, or you can go home.

4 MR. SUNDQUIST: Okay. Well, I didn't want to
5 cause harm to the other defendants, but in the final
6 analysis, I will -- I don't see that I would want to
7 continue with -- I can make the appeal that this be --
8 I don't want to cause harm to the other defendants.

9 THE COURT: Well, they have their own case,
10 they have nothing to do with you.

11 MR. SUNDQUIST: That's correct.

12 THE COURT: They have their own defenses and
13 they have their own case. As I understand it, you had
14 very little to do with any of them

15 MR. SUNDQUIST: I didn't even know --

16 THE COURT: You just heard then on the radio
17 and you contacted them, and that was basically -- you
18 were in favor of the cause they were advocating, and
19 you said right on, that's about it.

20 MR. SUNDQUIST: I came in about the last
21 month of this. It has been going on close to a year I
22 think, so I didn't enter until the very late stages of
23 the game.

24 THE COURT: Yes.

25 MR. SUNDQUIST: And I entered only to --

1 because Dr. Orly's website was there one minute and it
2 vanished the next, and I just opposed that and I
3 thought that it should be restored to the person's
4 whose website it was.

5 THE COURT: Look, you were, according to you,
6 participating in the process as a good citizen should
7 do, and that's the extent of your involvement, and
8 that's what your, you know, position is, entirely
9 understandable. I don't know one way or the other what
10 would happen if it went to trial.

11 But, you are unrepresented, so you are
12 representing yourself. You're a smart person, you
13 speak well, but you're not a lawyer, and I am not your
14 lawyer. I am the judge, so I'm not representing or
15 giving you advice.

16 I'm just trying to sort out what the issues
17 are. I mean, in sorting that out, I want to know what
18 your position. So, that is where we are.

19 MR. SUNDQUIST: Okay. Well, I -- I would --
20 I don't wish to be in the case, and I don't wish to pay
21 the fine -- not the fine, it's not a fine.

22 THE COURT: Not the fine. The failure of the
23 service to take place. Okay. Well, I understand that,
24 Mr. Sundquist, so thank you for coming in today.

25 MR. SUNDQUIST: So do I remain?

1 THE COURT: Yes. Why don't you wait until we
2 make some rulings here.

3 MR. SUNDQUIST: Thank you, Your Honor.

4 THE COURT: Now, Mr. Berg, one final and
5 brief overview here since you had sat quietly as you
6 heard your opponents describe some of these matters
7 slightly different than you did initially.

8 MR. BERG: Thank you, Your Honor, just
9 briefly, mainly directed towards the comments by
10 Counsel Taitz, Orly Taitz.

11 In dossier number six, and I don't think I
12 have a copy here today, but it's admitted what I
13 attempted to provide to the Court, in this case, and I
14 state it in the pleadings, the social security number
15 that she has repeatedly stated is the social security
16 number of Lisa Liberi.

17 THE COURT: Now, that is something different
18 than the other social security number that apparently
19 was included in some pleading in California?

20 MR. BERG: First off, it's in some record she
21 states. It's not even proper. I do criminal work here
22 also in Pennsylvania. Social security numbers are not
23 dispersed.

24 THE COURT: Do you that piece of paper that
25 she waiving, what that is?

1 MR. BERG: Yes, because she has also
2 publicized that.

3 THE COURT: Well, what is that?

4 MR. BERG: It's some criminal record.

5 THE COURT: Is it an affidavit of some sort?

6 MR. BERG: No. It's a criminal and there is
7 a social security number on that. She got that from
8 some, I'm not sure, legal purpose because you cannot
9 get -- when you go into a court to get documents,
10 certain documents, like social security numbers, are
11 blocked out.

12 THE COURT: Yes.

13 MR. BERG: Is she got that document from the
14 court file, she did that improperly.

15 THE COURT: Okay.

16 MR. BERG: The different social security
17 number, and she knows it, because she confirmed it with
18 Mr. Sankey, is the social security number of Lisa
19 Liberi, and she had been issued a new social security
20 number because of a family situation where the father
21 of her child was harassing and all kinds --

22 THE COURT: Okay.

23 MR. BERG: So, that is why a new constantly.
24 The number that she constantly and has been publicizing
25 is the social security number of Lisa Liberi.

1 Now, someone in Texas and we have supplied
2 that in our recent motion on Monday or Tuesday is being
3 used by a woman in Texas already. So, by her action
4 someone else is already using the social security
5 number.

6 And on Monday of this week, Ms. Taitz, I
7 don't know how she found out, she is constantly trying
8 to bring me down, she has now published the maiden
9 name, the mother's name and where Lisa was born.

10 THE COURT: Is that illegal?

11 MR. BERG: Yes. It's illegal because of what
12 she is doing. She has no legitimate purpose. She
13 states the purpose of all her actions is that because
14 of something that Lisa Liberi did, that any documents
15 in my possession have to be checked because they might
16 be fraudulent. That is not her responsibility.

17 THE COURT: Publicizing what, the maiden name
18 of a person's mother, is that it?

19 MR. BERG: Now if you know where the person
20 is born and you have the mother's maiden name and you
21 have the social security number, there is nothing to
22 prevent any one of the 150,000, or many many more
23 people that she has dispersed this information to, to
24 apply for credit in Lisa's name.

25 We're in the day and age of identity theft.

1 She has now given all this information, and notice, you
2 know, she didn't do it, she has, she has given all of
3 this information out to the world.

4 So, we know one person in Texas who is using
5 the number. They mention on the radio show that a loan
6 had just been taken out. Maybe they took the loan out.
7 We're not even familiar with what they stated when they
8 are on the radio.

9 We have the transcripts and they will be
10 submitted to the Court at the appropriate time, and
11 they are being transcribed because we have people
12 monitoring what they are doing.

13 Their actions have not ceased, as recently as
14 Monday of this week on the website. So that is why the
15 social security number was issued, and that's why we
16 filed in our motion requesting Your Honor to issue an
17 injunction or TRO, and also we ask for at this time,
18 and we gave case law in effect, that \$20,000 should be
19 awarded to Lisa Liberi immediately so that she can move
20 and get new information.

21 And, also, Your Honor, we need an order from
22 Your Honor for the issuance of a new social security
23 number for Lisa Liberi, and we would appreciate that
24 being issue post haste. The dissemination of this
25 constant information, it's abominable that a member of

1 the bar would even do this.

2 Also the fact, and I have to bring it to the
3 Court's attention, in attempting to bring me down, and
4 I had a real concern coming here today, and by the way,
5 my local police department knows about this, Ms. Taitz
6 has stated that she wants to purge, and the definition
7 of purge is to eliminate or kill. She wants to get rid
8 of Lisa Ostella; Lisa Liberi, Phil Berg and also
9 President Obama.

10 She's put us in a camp of like Obama
11 supporters, which I'm definitely not, but by doing
12 that, there's people in the internet that -- there are
13 crazies out there that will take what she's saying for
14 real and that's why, you know, I have notified my
15 police department. Also I was concerned because she's
16 here today, I don't know what her tactics are.

17 But, to bring me down and to want to purge
18 me, I mean those are serious charges which have been
19 filed, there's an investigation.

20 THE COURT: Have you met any of these
21 defendants personally or has this all been over the
22 internet other than today?

23 MR. BERG: Well, I met Ms. Taitz on December
24 8th in Washington, DC.

25 THE COURT: At a hearing?

1 MR. BERG: No, we had a joint, it was like a
2 press conference --

3 THE COURT: Okay.

4 MR. BERG: -- and we both participated that
5 day.

6 THE COURT: You met her once?

7 MR. BERG: Met her once.

8 THE COURT: How about the Hale defendants,
9 have you ever met them?

10 MR. BERG: Never met, but Mr. Hale has
11 subjected himself, I believe, because he was supposedly
12 supporting me --

13 THE COURT: Yes.

14 MR. BERG: -- and had me on his radio
15 station, then he started raising money for me on the
16 radio station, but if he raised it, I never saw one
17 penny.

18 THE COURT: Okay.

19 MR. BERG: So, I never met him. I've never
20 met Mr. Sundquist until today. We really didn't meet,
21 hello, Mr. Sundquist.

22 MR. SUNDQUIST: Hello.

23 THE COURT: Okay.

24 MR. BERG: And I never met any of the
25 Sankeys, I have not met them.

1 THE COURT: Okay. I get your point, Mr.
2 Berg. Final remark, if you have one final sentence
3 here or two.

4 MR. BERG: Okay. Ms. Taitz mentions that
5 there is a 60 day window for the publication of social
6 security numbers. I'm not sure of everything in
7 California, but I know here in Philly -- I'm 65 years
8 young.

9 I've never seen a defendant's social security
10 number published by any newspaper in this major city,
11 in the Philadelphia Inquirer, the Bulletin days, the
12 Daily News, so I'm not sure where you get a window to
13 publish a social security number. I would like to see
14 a law to that effect.

15 And I have filed as far as the jurisdiction,
16 I believe definitely through the internet, it brings
17 the jurisdiction here to Pennsylvania. Thank you, Your
18 Honor.

19 THE COURT: Thank you, Mr. Berg.

20 MR. BERG: Thank you.

21 THE COURT: I think everything has been said.
22 It appears to me that, number one, let's deal with Mr.
23 Sundquist first. Mr. Sundquist will be dismissed from
24 the case without prejudice.

25 The case is just getting started. He will be

1 placed back in a position that he would have been had
2 he not been sued. He will not be required to pay for
3 failing to return the service form to Mr. Berg, and Mr.
4 Berg is in agreement that he should be dismissed.

5 So, both Mr. Berg and Mr. Sundquist will be
6 precisely back to where they would have been at that
7 time. I say without prejudice because we have no facts
8 or basis either way to make a determination that this
9 should be with prejudice.

10 So, to the extent that Rock Salt Publishing
11 is a trade name, of course it's not a separate entity,
12 they will no longer be in the case, so they are
13 dismissed as well from the case.

14 So, as to those who remain here, there is no
15 prejudice to the others. The legal prejudice that they
16 would have had a defense based upon lack of diversity
17 is not a cognizable legal prejudice, because that
18 defense really belonged to Mr. Sundquist who would have
19 been able to assert lack of citizenship, and since he
20 is being dismissed and he agrees and consents to being
21 dismissed, that is not prejudice to the other
22 defendants in a legal sense.

23 Now, it seems to me that there are three
24 issues here hearing what you have to say. Number one
25 is, is there personal jurisdiction over each and every

1 defendant in the case. There may be as to some, maybe
2 not as to other, and we can't lump them all together
3 and have it up or down.

4 Then, number two, are all of the defendants
5 involved in one action or are these three separate
6 actions, that is do the factual patterns of the
7 foundations of all the three cases emanate from a
8 common set involved with the facts?

9 Do these cases arise substantially from the
10 same set of facts? Is there a common thread here to
11 these cases? So, I am not entirely certain whether we
12 know the answer to that, and whether there are
13 sufficient facts to make that determination.

14 Then the third issue and it depends, of
15 course, on number one and number two, assuming that
16 there is personal jurisdiction and assuming that there
17 is either one case or three cases or two cases, should
18 those cases be kept here and should they be transferred
19 to California, the Western District of Texas, somewhere
20 else, or remain here.

21 I suppose that it is possible that some part
22 of this case could be transferred to another district
23 and the other part would retain here. So, there are
24 three separate questions it seems to me need to be
25 answered.

1 Now, there has been a flurry of pleadings in
2 this case, some have been helpful, some have obfuscated
3 rather than illuminated. So I am going to issue the
4 following management order.

5 All of the motions in the case are denied
6 without prejudice. A rule to show cause is issued upon
7 Mr. Berg and the other plaintiffs to show cause why,
8 number one, the case should not be dismissed for lack
9 of personal jurisdiction.

10 The response to the rule to show cause should
11 take each individual defendant and allege facts, that
12 is state facts, not allegations, but facts based upon
13 affidavits or other admissible evidence which will show
14 that this is the proper forum in which to entertain
15 this lawsuit.

16 Further, a rule to show cause will be issued
17 upon Mr. Berg and the other plaintiffs to show cause
18 why this case should not be severed into three separate
19 cases; one involving the Hale defendants, one involving
20 the Belcher defendant; and one involving Taitz and
21 Sankey.

22 As to each of those defendants or group of
23 defendants, the plaintiffs are to show and point to
24 facts which demonstrate either a common thread or a
25 common scheme or purpose that supports the allegation

1 that the cases should be tried together.

2 Thirdly, a rule to show cause will be issued
3 upon Mr. Berg and the other plaintiffs to show cause
4 why the cases should not be transferred; the Taitz and
5 Belcher to the Central District of California and the
6 Hale defendant cases to the Western District of Texas
7 and that would be, of course, under 1404(a) in the
8 interest of justice and for the convenience of the
9 parties and witnesses.

10 Plaintiffs should indicate what witnesses and
11 what parties reside where and who would be called, and
12 should generally visit the Jumara factors which the
13 Third Circuit has identified as the private and public
14 factors which are relevant to 1404(a) inquiries.

15 Mr. Berg will have thirty days in which to
16 respond. Then the defendants will have thirty days
17 within which to reply. Any factual allegations must be
18 supported by affidavit or other admissible evidence.

19 Moreover, any defaults that have been entered
20 will be opened in the case, and there is substantial
21 justification to do so in that no prejudice will insure
22 to the plaintiffs.

23 The failure to file a timely response was not
24 willful or intended to delay the proceedings.
25 Accordingly, the request for entry of default judgments

1 will be denied without prejudice.

2 The request for a temporary restraining order
3 will be denied, except that it would be a serious
4 problem if there is any publication of the social
5 security number of anyone in this case, and I think
6 that would tip the equity significantly.

7 Now, by that to the extent that Ms. Liberi's
8 number may be subject to some controversy as to which
9 number belongs to her, I would advise the defendants to
10 publish no social security numbers of anyone.

11 It serves no purpose whatsoever to publish
12 someone's social security number in this day and age.
13 It inflicts harm that is unrelated to this case, and it
14 is unwise and improper to do so.

15 I think that the defendants should take that
16 to heart. To the extent that this has happened, I
17 don't know whether or not it has happened, but it
18 should not happen in the future.

19 Other than the publication of the social
20 security number, I do not find that there is
21 irreparable harm that has been demonstrated by the
22 pleadings that have been filed, and I think that the
23 likelihood of success on the merits is pretty much at
24 issue at this early point.

25 It may well be as the record develops that a

1 request for injunctive relief could be renewed by the
2 plaintiff. I am not foreclosing that. I'm simply
3 saying that on the basis of what has been filed and the
4 arguments that I have heard today, it does not appear
5 that such relief which is extraordinary should be
6 granted.

7 The case raises significant issues, as I
8 indicated at first. I'm not going to prejudge the
9 motivation of anyone involved in this case on either
10 side.

11 In a court of law, we will look at the
12 evidence and we will try to apply the law fairly and in
13 a timely fashion. There should be no further motions
14 filed in this case without leave of Court.

15 Leave of Court should be sought by way of a
16 letter to the Court, and the Court will then consider
17 whether or not the attached on file motion should be
18 filed of record.

19 There is no point in burdening the system
20 until these threshold issues are flushed out and
21 appropriately framed, and the parties have an
22 opportunity to addressed them.

23 An order of the Court will issue today, and
24 that order will capture my decision from the bench. To
25 the extent that the written order conflicts with

1 anything I have said on the bench, the written order
2 controls. Mr. Berg.

3 MR. BERG: Thank you, Your Honor, two things.
4 Could an order be issued by this Court to Social
5 Security for the issuance of a new social security
6 number for my client, Lisa Liberi?

7 THE COURT: Well, I have advised the parties
8 accordingly. If there is a violation, you bring it to
9 my attention.

10 MR. BERG: But, Your Honor, the number is out
11 there already.

12 THE COURT: Well, I can't do anything about
13 the number out there, to the extent that that has
14 already been disseminated. I don't know what you would
15 like me to do about a number that is already out there.

16 MR. BERG: No, I would like an order issued
17 by Your Honor to the Social Security Administration to
18 allow Lisa Liberi to have a new social security number.
19 She needs court order for that.

20 THE COURT: Well, I think that is a separate
21 proceeding, not related to this case. I'm sure there
22 is administrative proceedings where such relief can be
23 awarded. I don't think it's appropriate to do it in
24 this case and in this forum.

25 MR. BERG: Can other information not be

1 disseminated, like no further dissemination of her
2 birth place, her maiden name or date of birth.

3 THE COURT: That raises some issues where the
4 Court should be in the business of regulating what can
5 and cannot be disseminated. On its face, there does
6 not appear to be anything unlawful about disseminating
7 that Philip Berg was born in Philadelphia,
8 Pennsylvania.

9 Maybe in context what you are saying is that
10 even that even though any one piece of information may
11 be innocent, all of them put them together may have a
12 detrimental effect, but I don't think that would be
13 appropriate in this case.

14 MR. BERG: Thank you.

15 THE COURT: Again, I'm not foreclosing that,
16 such relief may be necessary in the future, if at all.

17 MR. HOPPE: Your Honor, I just have one thing
18 I wanted to ask you about. With the Sankey firm, they
19 have not filed a responsive pleading --

20 THE COURT: Which one, I'm sorry?

21 MR. HOPPE: This is the Sankey firm --

22 THE COURT: Yes.

23 MR. HOPPE: -- which is the one I was telling
24 you Mr. Sankey was not affiliated with. I'm not sure
25 how to advise him on how to handle this. They have not

1 actually been served, at least that is what I have been
2 told --

3 THE COURT: Yes.

4 MR. HOPPE: -- because Mr. Sankey is not
5 affiliated with them, they have not filed a responsive
6 pleading. Your Honor has indicated that you're not
7 going to enter a default judgment against them, but you
8 don't want us to file anything.

9 THE COURT: Well, a default has been entered
10 against him?

11 MR. HOPPE: Well, default papers were filed,
12 that's correct.

13 THE COURT: Yes, that's called a default.

14 MR. HOPPE: Yes.

15 THE COURT: Entry of a default in the federal
16 court is not the equivalent to a judgment.

17 MR. HOPPE: That's correct.

18 THE COURT: It is simply the entry of a
19 default, and there is a question of service.

20 MR. HOPPE: I understand -- I'm sorry for
21 interrupting. I understand that Your Honor is opening
22 that default as to all the defendants and that's fine.

23 THE COURT: Yes.

24 MR. HOPPE: And the only reason I'm asking
25 this is because you said you didn't really want

1 anything else filed without leave of Court. What
2 should I advise them to do about filing a responsive
3 pleading related to the service issue?

4 THE COURT: Well, again, as I said to
5 Lundquist --

6 MR. HOPPE: Sundquist, yes.

7 THE COURT: -- I'm sorry, it's not Mr.
8 Lundquist. Mr. Sundquist. The opening of a default in
9 that case does not mean anything on the merits.

10 MR. HOPPE: Yes.

11 THE COURT: It simply means that the
12 obligation to prove liability remains for the
13 plaintiffs. My position as to that would be that
14 default will be opened as well.

15 MR. HOPPE: Great, okay.

16 THE COURT: It does not mean that Mr. Berg
17 may not at a later date, you know, proceed against him
18 and prove a case, et cetera.

19 As you know, they can either challenge it
20 here or they can wait for a judgment to be entered and
21 if it is going to be enforced, they can challenge it in
22 California, that is entirely up to them. I'm not
23 making any rulings. I think that all of the defaults
24 in this case are premature.

25 MR. HOPPE: Yes.

1 THE COURT: Okay.

2 MR. HOPPE: Thank you.

3 THE COURT: Very good. Thank you all.

4 ALL: Thank you, Your Honor.

5 (Proceedings adjourned, 12:08 p.m.)

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CERTIFICATION

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I, Donna M. Anders, do hereby certify that the foregoing is a true and correct transcript from the electronic sound recordings of the proceedings in the above-captioned matter.

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8-1-10

Date



Donna M. Anders

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